## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TENA WASBERS and MICHAEL : CIVIL ACTION NO. 1:05-CV-0422

WASBERS, in their own right and as :

parents and natural guardians of Zachary Wasbers,

: (Judge Conner)

Plaintiffs

---

v.

EVENFLO COMPANY, INC.,

D 0 1 .

Defendant

## **ORDER**

AND NOW, this 23rd day of May, 2006, upon consideration of plaintiff's motion (Doc. 28) to dismiss the above-captioned action with prejudice, see FED. R. CIV. P. 41(a)(1) ("[A]n action may be dismissed by the plaintiff without order of court . . . by filing a stipulation of dismissal signed by all parties who have appeared in the action.), and it appearing that a settlement agreement was entered into by the parties and approved by the order of court dated January 4, 2006 (Doc. 24), and the court finding that dismissal of this case with prejudice is proper, see id. FED. R. CIV. P. 41(a)(2) (stating that where parties are not signatories to stipulation "an action shall not be dismissed at the plaintiff's instance save upon order of the court and upon such terms and conditions as the court deems proper.") it is hereby ORDERED that:

- 1. The motion (Doc. 28) to dismiss is GRANTED.
- 2. The above-captioned action is DISMISSED with prejudice. <u>See</u> FED. R. CIV. P. 41(a)(2).

3. The Clerk of Court is directed to CLOSE this case.

\_\_/s/ Christopher C. Conner CHRISTOPHER C. CONNER United States District Judge